

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

JOCK WALKER,

Plaintiff,

v.

CONQUEST ENERGY, INC.,

PHILIP G. HAYDEN

and DAVID T. HOOPER,

Defendants.

2007 FEB 26 A 9:44

DISTRICT OF UTAH

NO: 2:06-CV-872

BY: _____
DEPUTY CLERK
DAK

CV

AFFIDAVIT OF DAVID T. HOOPER

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

I, DAVID T. HOOPER, having been first duly sworn, states:

- 1) I am David T. Hooper, a citizen and resident of Williamson County, Tennessee.
- 2) I am an attorney licensed to practice law in the State of Tennessee and having been so licensed since 1977. My law practice is located at 109 Westpark Drive, Suite 240, Brentwood, Williamson County, Tennessee 37027. The matters contained in this affidavit are of my personal knowledge.
- 3) I am at present 56 years old. I have been in the State of Utah on a single occasion in my life, that being in 1962 when I was 12 years old and my family took a vacation that included a brief visit in Salt Lake City. In the 44 years since that time, I have not physically been inside the State of Utah.
- 4) I do not maintain an office in the State of Utah for the practice of law. I am not

licensed to practice law in the State of Utah. I do not have an office in the State of Utah for any business or personal purposes. I have never registered nor qualified to do business in Utah. I do not own property in Utah, nor do I lease any property in Utah.

5) I have not ever conducted any legal practice in the State of Utah, either in litigation or in connection with any business transaction. I do not maintain a telephone listing nor do I maintain a mailing address in the State of Utah. I have never had any agent or employee transacting business on my behalf, or transacting legal practice on my behalf in the State of Utah.

6) I have never maintained any books, records, or bank accounts in the State of Utah. I have never paid corporate income or other taxes in Utah, nor been subject to paying any taxes in the State of Utah. I have never authorized anyone to accept service of process on my behalf in Utah, nor have I ever designated an agent for that or any other purpose pursuant to the laws of the State of Utah.

7) I have never contacted Jock Walker or any other individual in the State of Utah in connection with any of the matters contained in the present law suit. I have never solicited any contact with any individual or entity in the State of Utah on any occasion.

8) Paragraph 3 of the pending Complaint suggests that the defendants Conquest and Hayden contacted Jock Walker through the mail at his home in Orem, Utah and made an offering to him on October 3, 2000. I did not make that solicitation, nor participate in that solicitation to Mr. Walker, and there is no allegation in the Complaint that I was a participant in that contact.

9) Prior to the filing of this lawsuit, I had never spoken to Mr. Walker nor to any one on his behalf by telephone, nor had I ever had any contact with him or anyone on his behalf concerning any of the matters contained in the present action. I have never spoken with Mr. Walker

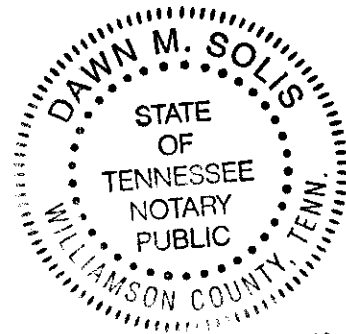
in person or by telephone, nor have I ever had any contact with anyone on his behalf prior to the institution of the present lawsuit.

David T. Hooper
David T. Hooper

Sworn to and subscribed before me this the 23 day of February, 2007.

Dawn M. Solis
Notary Public

My Commission Expires: 6-20-09



My Commission Expires JUNE 20, 2009